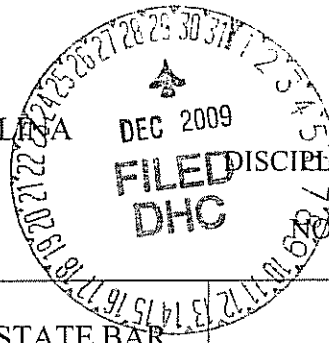


STATE OF NORTH CAROLINA

WAKE COUNTY



DEC 2009

FILED
DHC

BEFORE THE

DISCIPLINARY HEARING COMMISSION

OF THE

NORTH CAROLINA STATE BAR

09 DHC 32

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

MILDRED A. AKACHUKWU, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Mildred A. Akachukwu ("Akachukwu"), was admitted to the North Carolina State Bar in 1998, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all or part of the relevant periods referred to herein, Akachukwu was engaged in the practice of law in the State of North Carolina and maintained a law office in Durham, Durham County, North Carolina.

4. During the course of her law practice, and from at least on or about January 1, 2001 through May 31, 2009, Akachukwu maintained a general attorney trust account at RBC Bank, formerly known as RBC Centura, account number ending with digits 3882.

5. Akachukwu disbursed \$74,283.69 from her trust account as follows:

- a. \$2,500.00 on or about July 14, 2005, check number 3046 made payable to Mildred Akachukwu

- b. \$4,000.00 on or about July 12, 2006, wire to Royal Bank of Canada with reference to tuition payment for two students
- c. \$1,000.00 on or about October 4, 2006, check number 3744 made payable to Law Office of Mildred Akachukwu
- d. \$1,000.00 on or about October 4, 2006, check number 3745 made payable to Law Office of Mildred Akachukwu
- e. \$1,000.00 on or about October 30, 2006, check number 3809 made payable to Mildred Akachukwu
- f. \$2,500.00 on or about November 13, 2006, check number 3832 made payable to Mildred Akachukwu
- g. \$2,667.00 on or about November 27, 2006, check number 3831 made payable to Lorena Gonzalez Santos
- h. \$2,000.00 on or about December 21, 2006 to Mildred Akachukwu
- i. \$1,221.02 on or about January 5, 2007, check number 3911 made payable to Circuit City
- j. \$2,500.00 on or about January 9, 2007, check number 3912 made payable to Law Office of Mildred Akachukwu
- k. \$2,500.00 on or about January 17, 2007, check number 3913 made payable to Law Office of Mildred Akachukwu
- l. \$2,500.00 on or about January 23, 2007, check number 3926 made payable to Mildred Akachukwu
- m. \$3,000.00 on or about February 12, 2007, check number 3961 made payable to Mildred Akachukwu
- n. \$16,666.00 on or about March 12, 2007, check number 3998 made payable to Saba Zewdu
- o. \$996.67 on or about March 12, 2007, check number 3999 made payable to Redell Harris
- p. \$1,000.00 on or about July 18, 2007, check number 4101 made payable to Law Office of Mildred Akachukwu
- q. \$2,333.00 on or about August 9, 2007, by check number 4110 made payable to Law Office of Mildred Akachukwu
- r. \$800.00 on or about February 13, 2008, by check number 4227 made payable to Mildred Akachukwu

- s. \$1,800.00 on or about February 13, 2008, by check number 4228 made payable to Mildred Akachukwu
- t. \$2,500.00 on or about May 9, 2008, check number 4316 made payable to Mildred Akachukwu
- u. \$1,000.00 on or about May 15, 2008, check number 4322 made payable to Mildred Akachukwu
- v. \$2,000.00 on or about June 9, 2008, unnumbered check made payable to Mildred Akachukwu
- w. \$1,600.00 on or about July 1, 2008, check number 4454 made payable to Mildred Akachukwu
- x. \$1,000.00 on or about July 1, 2008, check number 4455 made payable to Mildred Akachukwu
- y. \$1,500.00 on or about July 10, 2008, check number 4383 made payable to Mildred Akachukwu
- z. \$3,000.00 on or about August 5, 2008, check number 4396 made payable to Law Office of Mildred Akachukwu
- aa. \$700.00 on or about August 28, 2008, check number 4397 made payable to Mildred Akachukwu
- bb. \$5,000.00 on or about March 12, 2009, wire to Royal Bank of Canada, with reference to a student
- cc. \$4,000.00 on or about April 2, 2009, wire to Royal Bank of Canada, with reference to a student

6. Akachukwu disbursed funds from her trust account, including those funds described in paragraph 5 herein, to herself or to third parties for her personal purposes.

7. When Akachukwu disbursed funds to herself or to third parties for her personal purposes, including those funds identified in paragraph 5 herein, she was not entitled to those funds or to use those funds for personal purposes.

8. Akachukwu received \$84,800.00 for certain clients as follows:

- a. \$1,000.00 on or about October 26, 2006, medical payment benefits of client Juan Lopez
- b. \$1,300.00 on or about December 7, 2006, settlement proceeds of client Ivonne Eliman Martinez Banda

- c. \$1,400.00 on or about April 4, 2007, settlement proceeds of client Benita Ortiz Banda
- d. \$2,000.00 on or about April 2, 2008, medical payment benefits of client Carlos Solorio
- e. \$5,200.00 on or about April 2, 2008, settlement proceeds of client Carlos Solorio
- f. \$19,100.00 on or about March 31, 2008, settlement proceeds of client Melina Reza Loeza
- g. \$1,000.00 on or about March 31, 2008, medical payment benefits of client Melina Reza Loeza
- h. \$1,000.00 on or about May 30, 2008, medical payment benefits of client Enrique Martinez Hernandez
- i. \$4,800.00 on or about September 30, 2008, portion of settlement proceeds for payment of medical bills of client Omar Miranda
- j. \$18,000.00 on or about September 19, 2008, settlement proceeds of client Mable McCain
- k. \$1,000.00 on or about September 19, 2008, medical payment benefits of client Mable McCain
- l. \$28,000.00 on or about September 19, 2008, settlement proceeds of client Annie McCain
- m. \$1,000.00 on or about September 19, 2008, medical payment benefits of client Annie McCain

9. Akachukwu did not deposit the funds identified in paragraph 8 herein into her attorney trust account.

10. Akachukwu used the funds identified in paragraph 8 herein for her personal purposes.

11. Akachukwu was not entitled to use those funds for her personal purposes.

12. Although Akachukwu failed to deposit the client funds listed in paragraph 8 herein into her attorney trust account, she still disbursed funds for those clients

from her trust account, including as follows:

Juan Lopez

- a. \$75.00 on or about October 27, 2006, check number 3786 made payable to Law Office of Mildred A. Akachukwu, for client Juan Lopez
- b. \$925.00 on or about October 27, 2006, check number 3787 made payable to Juan Carlos Gonzalez Lopez, for client Juan Lopez

Ivonne Eliman Martinez Banda

- c. \$433.00 on or about December 7, 2006, check number 3880 made payable to Law Office of Mildred A. Akachukwu, for client Ivonne Eliman Martinez Banda
- d. \$400.00 on or about December 11, 2006, check number 3883 made payable to Ivonne E. Martinez Banda, for client Ivonne Eliman Martinez Banda
- e. \$279.00 on or about December 19, 2006, check number 3881 made payable to WakeMed Hospital, for client Ivonne Eliman Martinez Banda
- f. \$188.00 on or about December 19, 2006, check number 3882 made payable to Wake Emergency Physicians, for client Ivonne Eliman Martinez Banda

Benita Ortiz Banda

- g. \$466.00 on or about April 11, 2007, check number 4024 made payable to Law Office of Mildred A. Akachukwu, for client Benita Ortiz Banda
- h. \$468.00 on or about April 25, 2007, check number 4027 made payable to Benita Ortiz Banda, for client Benita Ortiz Banda
- i. \$309.00 on or about May 24, 2007, check number 4025 made payable to WakeMed Hospital, for client Benita Ortiz Banda
- j. \$157.00 on or about May 24, 2007, check number 4026 made payable to Wake Emergency Physicians, for client Benita Ortiz Banda

Carlos Solorio

- k. \$1,500.00 on or about April 4, 2008, check number 4288 made payable to Law Office of Mildred Akachukwu, for client Carlos Solorio
- l. \$1,734.00 on or about April 10, 2008, check number 4293 made payable to Carlos Solorio, for client Carlos Solorio
- m. \$200.00 on or about April 10, 2008, check number 4295 made payable to Mildred Akachukwu, for client Carlos Solorio
- n. \$177.00 on or about May 29, 2008, check number 4319 made payable to Rex Urgent Care of Cary, for client Carlos Solorio
- o. \$1,556.00 on or about June 17, 2008, check number 4320 made payable to Creech Chiropractic Center, for client Carlos Solorio

Melina Reza Loeza

- p. \$2,000.00 on or about April 7, 2008, check number 4284 made payable to Gloria Hernandez Rivera, for client Melina Reza Loeza
- q. \$4,000.00 on or about May 21, 2008, check number 4325 made payable to Elizabeth Amador-Lea, for client Melina Reza Loeza

Enrique Martinez Hernandez

- r. \$3,000.00 on or about June 12, 2008, check number 4326 made payable to WakeMed Hospital, for client Enrique Martinez Hernandez

Omar Miranda

- s. \$249.00 on or about September 30, 2008, check number 4423 made payable to Wake Emergency Physicians, for client Omar Miranda
- t. \$455.25 on or about October 1, 2008, check number 4421 made payable to Lewisville Co. EMS, for client Omar Miranda

Mable McCain

- u. \$1,000.00 on or about January 16, 2009, check number 4498 made payable to Mable McCain, for client Mable McCain
- v. \$1,017.45 on or about February 6, 2009, check number 4524 made payable to Alamance Regional Hospital, for client Mable McCain

- w. \$149.00 on or about February 6, 2009, check number 4525 made payable to Burlington Radiology Associates, for client Mable McCain
- x. \$457.69 on or about February 17, 2009, check number 4556 made payable to Person memorial Hospital, for client Mable McCain
- y. \$672.77 on or about February 20, 2009, check number 4558 made payable to Mable McCain, for client Mable McCain
- z. \$348.00 on or about March 3, 2009, check number 4523 made payable to Alamance Co. EMS, for client Mable McCain

Annie McCain

- aa. \$200.27 on or about February 4, 2009, check number 4517 made payable to Triangle Neuropsychology Services, for client Annie McCain
- bb. \$1,731.85 on or about February 6, 2009, check number 4515 made payable to Alamance Regional Hospital, for client Annie McCain
- cc. \$243.00 on or about February 6, 2009, check number 4518 made payable to Burlington Radiology Associates, for client Annie McCain
- dd. \$419.73 on or about February 6, 2009, check number 4519 made payable to Person Memorial Hospital, for client Annie McCain
- ee. \$161.11 on or about February 11, 2009, check number 4516 made payable to Triangle Orthopedic Associates, for client Annie McCain
- ff. \$68.88 on or about February 12, 2009, check number 4522 made payable to Millenium [sic] Neurology, PLLC, for client Annie McCain
- gg. \$42.42 on or about February 17, 2009, check number 4521 made payable to Private Diagnostic Clinic, for client Annie McCain
- hh. \$21.39 on or about February 23, 2009, check number 4520 made payable to Person Emergency Physicians, for client Annie McCain
- ii. \$486.00 on or about February 25, 2009, check number 4557 made payable to Annie S. McCain, for client Annie McCain
- jj. \$448.00 on or about March 3, 2009, check number 4514 made payable to Alamance Co. EMS, for client Annie McCain

13. Akachukwu did not have sufficient funds in her trust account for the clients identified in paragraph 12 herein to make the disbursements listed in paragraph 12 for those clients.

14. Akachukwu used \$24,138.81 in other clients' funds in her trust account to fund, in whole or in part, the disbursements described in paragraph 12 herein.

15. Akachukwu misused other clients' funds for the benefit of herself and third parties, including but not limited to as described in paragraphs 12-14 herein.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

(a) By misappropriating client funds for herself or for the benefit of third persons for her personal purposes, Akachukwu engaged in criminal conduct reflecting adversely on her honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c); and

(b) By disbursing funds for clients from her attorney trust account when she did not have sufficient funds in her attorney trust account for those clients to support those disbursements and thereby misappropriating and misusing other clients' funds, Akachukwu failed to protect entrusted funds in violation of Rule 1.15-2(a), failed to properly disburse client funds in violation of Rule 1.15-2(m), engaged in criminal conduct reflecting adversely on her honesty, trustworthiness, or fitness as a lawyer in violation of Rule 8.4(b) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c).

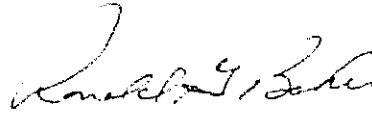
WHEREFORE, Plaintiff prays that:

(1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;


(2) Defendant be taxed with the costs permitted by law in connection with this proceeding; and

(3) For such other and further relief as is appropriate.

The 29th day of December 2009.



Ronald G. Baker, Chair
Grievance Committee



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Deputy Counsel
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The North Carolina State Bar
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Raleigh, NC 27611
919-828-4620

Attorney for Plaintiff